

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CRAIG CUNNINGHAM,	)	
	)	
Plaintiff,	)	
	)	NO. 3:16-cv-02629
v.	)	
	)	
RAPID CAPITAL FUNDING, LLC/RCF, <i>et al.</i> ,	)	JUDGE RICHARDSON
	)	MAGISTRATE JUDGE BROWN
Defendant.	)	

**ORDER**

The Plaintiff in this matter has been granted a default against the defendant, Gateway Sales and Marketing, LLC (DE 154) and the matter has been referred to me to determine whether a hearing is necessary on the damages or alternatively to determine the amount of damages. The Plaintiff was directed to file by December 30, 2019 an affidavit or declaration with appropriate documentation and file a brief as to the amount of damages to which the Plaintiff asserts he is entitled.

The Plaintiff instead of following these directions filed a Motion for Default Judgment (DE 156) which asserts there were thirty (30) calls which are entitled to statutory damages of \$3,000.00 per call. 47 U.S.C. § 227. Although the Plaintiff did not file a more detailed statement or brief, the defaulting Defendant has filed nothing in opposition. Accordingly, the Magistrate Judge does not believe a hearing is necessary on the matter and the Court should grant the Plaintiff a Judgment in the amount of \$90,000.00.

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Any objection to such an award should be filed with the Clerk within fourteen (14) days of the entry of this order.

SO, ORDERED.

/s/ Joe B. Brown  
Joe B. Brown  
United States Magistrate Judge